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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal
Representative of the Estate of TODD
ALLEN, Individually, on Behalf of the
Estate of TODD ALLEN, and On Behalf
of the Minor Child, PRESLEY GRACE
ALLEN

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:04-cv-0131-JKS

DEFENDANT'S RESPONSE TO
PLAINTIFF'S DESIGNATION OF
DEPOSITION TESTIMONY

Defendant, via counsel, submits its response and general non-opposition to
Plaintiff's designation of the deposition testimony [Trial Exhibit D-39] for

Advanced Nurse Practitioner Dede Duntze [Docket 104]. Defendant does object to the comments of Plaintiff's counsel at Deposition p. 135, lines 18-23, on the grounds that the comments misstate ANP Duntze's opinion either because Plaintiff's counsel simply spoke incorrectly or because the transcription did not accurately reflect counsel's wording during the deposition. ANP Duntze's expert opinion was that ANP Donna Fearey did not breach the standard of care and that she provided appropriate medical care for Todd Allen based on his presentation at ANMC on the morning of April 19, 2003.

Respectfully submitted this 12th day of July, 2007, in Anchorage, Alaska.

NELSON P. COHEN
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s/Gary M. Guarino
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CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2007,
a copy of the foregoing **DEFENDANT'S
RESPONSE TO PLAINTIFF'S DESIGNATION
OF DEPOSITION TESTIMONY** was served
electronically on Donna McCready.

s/ Gary M. Guarino